AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE XVI, DIVISION 1, SECTION 2-1852 (Entitled) "PROCEDURES FOR APPOINTMENTS OF COUNCIL MEMBERS TO A BOARD, COMMISSION OR AUTHORITY" OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO REPLACE SAID CODE SECTION WITH A PROCEDURE FOR THE APPOINTMENT BY THE FULL COUNCIL OF INDIVIDUALS OR COUNCIL MEMBERS TO BOARDS, COMMISSIONS AND AUTHORITIES; TO WAIVE CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

WHEREAS, the Code of Ordinances of the City of Atlanta, Georgia, contains no procedure for the appointment by the full council, of individuals to boards, commissions and authorities, and

WHEREAS, to date, the full council has utilized an informal process for accomplishing this purpose; and

WHEREAS, a formal procedure to accomplish this purpose is necessary in order to establish a uniform and consistent process for all such appointments made by the full council; and

WHEREAS, the same process should be utilized, with modifications as necessary, for the appointment by the full council of council members to boards, commissions and authorities.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1: Chapter 2, Article XVI, Division 1, Section 2-1852, which currently provides as follows:

Section 2-1852. Procedures for appointments of council members to a board or authority.

Whenever it is required that a member of the council shall be appointed by the council to a board, commission or authority, the following procedures shall be used:

# (1) Nomination.

- a. Written notification of the vacancy shall be received from the president of council by the committee on council.
- b. Upon receipt of written notification of the vacancy the committee on the council shall, by resolution, submit the names of all council members to the full council.
- c. An individual council member may request, either in writing or orally at a meeting of the council, that such council member's name be withdrawn from consideration.

d. Council members whose names have been referred to the committee on council shall submit a letter to the committee on council confirming their willingness and availability to serve, as well as any other pertinent information. Such information shall be forwarded to all members of the council for the vote.

# (2) Voting procedures.

- a. One vacancy. When only one vacancy exists and the name of only one councilmember has been placed in nomination, the vote shall be taken electronically. If there is more than one nomination for such vacancy, the municipal clerk shall issue, to the council members, a paper ballot on which all nominees names are printed. Council members shall circle the names of the nominees of their choice, sign the ballots and return them to the municipal clerk. The municipal clerk shall then tally, or cause the ballots to be tallied, and announce the results. Such ballots shall become a part of the official record.
- b. Multiple vacancies. When more than one vacancy exists, the municipal clerk shall issue, to all council members, one ballot for each existing vacancy. Council members shall circle the names of their choices on each ballot (one per ballot), sign the ballots and return them to the municipal clerk. The clerk shall tabulate, or cause the ballots to be tabulated, and announce the vote.

Is hereby deleted in its entirety with the following being adopted in lieu thereof:

Section 2-1852. Procedure for the appointment by the full council of individuals or councilmembers to boards, commissions and authorities.

The following procedure shall be used whenever it becomes necessary for the full council to appoint an individual or a council member to a board, commission or authority.

# (1) Notice of vacancy

- (a) Whenever a position on a board, commission or authority shall be or becomes vacant, notice of such vacancy shall be submitted in writing to the municipal clerk who shall notify the chair of the committee on council, with a copy of said notice being submitted to the president of the city council.
- (b) Upon receipt of such written notice, the chair of the committee on council shall provide written notice to all council members that nomination of an individual or individuals or when applicable, of a council member or council members shall be submitted to the chair of the committee on council by a specified deadline.
- (c) In the case of council member appointments, a council member may submit her/his own name or the name of another council member, for appointment to any such vacancy.

# (2) Procedure for appointments.

- (a) One vacancy, one nominee.
- (i) When only one vacancy and only one nominee has been submitted, the chair of the committee on council shall have a resolution prepared naming that individual or council member for appointment to the vacant position.

- (ii) Said resolution shall be submitted by the chair of the committee on council to the committee of purview. The committee of purview shall introduce, consider, recommend and refer said resolution to the committee on council for its consideration, recommendation and forwarding to the full council for final action.
  - (b) One vacancy, more than one nominee.
- (i) Should there be only one vacant position and more than one nominee is submitted, the chair of the committee on council shall, prior to the next regularly scheduled meeting of the city council, distribute biographical information and qualifications of all nominees to all council members for consideration at the next regular meeting of the city council, provided however, if the date of the next regular council meeting is less than five (5) business days from the date of the required deadline, all information shall be provided for consideration at the next following regularly scheduled meeting of the city council.
- (ii) At the next regularly scheduled meeting of the city council after distribution of the biographical information and qualification of said nominees, or at the next following regularly scheduled meeting of the city council should the five (5) day condition set forth in (b) (i) above be applicable, the municipal clerk or deputy municipal clerk shall issue a paper ballot which contains the names of all nominees for said vacant position, to all council members present at said meeting and who have not been excused.
- (iii) Council members shall circle the name of the nominee of her/his choice, sign the ballot and return it to the municipal clerk or deputy municipal clerk. Such ballots shall become a part of the official record for said council meeting.
- (iv) The municipal clerk or deputy municipal clerk shall tally the ballots or cause them to be tallied and announce the results. The nominee receiving the majority of votes shall be recommended for appointment and the chair of the committee on council shall subsequently have a resolution prepared naming that individual or council member for appointment to the vacant position.
- (v) The chair of the committee on council shall submit said resolution to the committee of purview. The committee of purview shall introduce, consider, recommend and refer said resolution to the committee on council for its consideration, recommendation and forwarding to the full council for final action.

# (c) More than one vacancy

- (i) Should there be only one vacant position and more than one nominee is submitted, the chair of the committee on council shall, prior to the next regularly scheduled meeting of the city council, distribute biographical information and qualifications of all nominees to all council members for consideration at the next regular meeting of the city council, provided however, if the date of the next full council meeting is less than five (5) business days from the date of the required deadline, all information shall be provided for consideration at the next following regularly scheduled meeting of the city council.
- (ii) When more than one vacancy exists, the municipal clerk or deputy municipal clerk shall issue a paper ballot which contains the names of all nominees for said vacant positions to all council members present at said meeting and who have not been excused.

- (iii) Council members shall circle the names of the nominees of her/his choice; in correlation to the number of vacant positions, sign the ballot and return it to the municipal clerk or deputy municipal clerk. Such ballots shall become a part of the official record for said council meeting.
- (iv) The municipal clerk or deputy municipal clerk shall tally the ballots or cause them to be tallied and announce the results. The nominees receiving the highest number of votes; in correlation to the number of vacant positions, shall be accordingly recommended for appointment to the available positions. The chair of the committee on council shall subsequently have a resolution prepared naming those individuals or council members for appointment to the vacant positions.
- (v) The chair of the committee on council shall submit said resolution to the committee of purview. The committee of purview shall introduce, consider, recommend and refer said resolution to the committee on council for its consideration, recommendation and forwarding to the full council for final action.
- (d) Single nominee failing to receive a majority vote or multiple nominees receiving an equal number of votes.

In the event that a single nominee fails to receive a majority vote of the council members present at the meeting of the city council, or there is a tie among two or more nominees who receive the highest identical number of votes, then a second ballot shall be issued. This ballot process shall be continued until such time as one person receives a majority vote or the tie fails to be broken.

- (e) Tie failing to be broken initially.
- (i) All subsequent ballots shall be comprised of the two or more nominees who received the highest number of votes.
- (ii) The balloting process shall continue until only two nominees remain, whereupon a final ballot shall be issued.
- (iii) After the vote is taken, the procedures set forth in (b) (iv) and (v) above, shall then be followed.
  - (f) Tie remaining unbroken.

In the event that the tie still fails to be broken, separate resolutions shall be prepared containing the name of each nominee, which resolutions shall be submitted to the committee of purview for the recommendation of one nominee to said vacant position; with the previously outlined process to be followed accordingly.

Section 2. All ordinances or part of ordinances in conflict herewith shall be waived to the extent of any such conflict.



06- ()-1597

# AN ORDINANCE BY COMMITTEE ON COUNCIL

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE XVI, DIVISION 1, SECTION 2-1852 (ENTITLED, "PROCEDURES FOR APPOINTMENTS OF COUNCILMEMBER TO A BOARD, COMMISSION OR AUTHORITY.") OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO ESTABLISH A PROCEDURE FOR APPOINTMENTS OF PERSONS, BY INDIVIDUAL MEMBERS OF COUNCIL, TO BOARDS, COMMISSIONS OR AUTHORITIES; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the committee on council held work sessions and meetings to review the Code of Ordinances, City of Atlanta, Georgia (hereinafter, "City Code") to suggest and effectuate amendments thereto; and

WHEREAS, Chapter 2, Article XVI, Division 1, Section 2-1852 (hereinafter "Section 2-1852") outlines the procedure required whenever a member of council is to be appointed, by the council, to a board, commission or authority; and

WHEREAS, there are instances when the council has the exclusive authority to appoint individual members of the public to fill vacancies on boards, commissions, or authorities; and

WHEREAS, there may be occurrences when multiple persons are nominated by individual members of council for only one vacancy on said board, commission, or authority; and

WHEREAS, it is the intent of council that there be an established procedure for determining the name of such appointee for said board, commission, or authority, as agreed upon collectively by the members of council.

# THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

**Section 1:** Chapter 2, Article XVI, Division 1, Section 2-1852, which reads:

Sec. 2-1852. Procedures for appointments of councilmember to a board, commission or authority.

Whenever it is required that a member of the council shall be appointed by the council to a board, commission or authority, the following procedures shall be used:

- (1) Nomination.
- a. Written notification of the vacancy shall be received from the president by the committee on the council.

- b. Upon receipt of written notification of the vacancy the committee on the council shall, by resolution, submit the names of all councilmembers to the full council.
- c. An individual councilmember may request, either in writing or orally at a meeting of the council, that such councilmember's name be withdrawn from consideration.
- d. Councilmembers whose names have been referred to the committee on council shall submit a letter to the committee on council confirming their willingness and availability to serve, as well as any other pertinent information. Such information shall be forwarded to all members of the council for the vote.
- (2) Voting procedures.
- a. *One vacancy*. When only one vacancy exists and the name of only one councilmember has been placed in nomination, the vote shall be taken electronically. If there is more than one nomination for such vacancy, the municipal clerk shall issue, to the councilmembers, a paper ballot on which all nominees' names are printed. Councilmembers shall circle the names of the nominees of their choice, sign the ballots and return them to the municipal clerk. The municipal clerk shall then tally, or cause the ballots to be tallied, and announce the results. Such ballots shall become a part of the official record.
- b. *Multiple vacancies*. When more than one vacancy exists, the municipal clerk shall issue, to all councilmembers, one ballot for each existing vacancy. Councilmembers shall circle the names of their choices on each ballot (one per ballot), sign the ballots and return them to the municipal clerk. The clerk shall tabulate, or cause the ballots to be tabulated, and announce the vote.

be hereby amended to read as follows:

Sec. 2-1852. Procedures for appointments to a board, commission or authority.

- A. Whenever it is required that a member of the council shall be appointed by the council to a board, commission or authority, the following procedures shall be used:
- (1) Nomination.
- a. Written notification of the vacancy shall be submitted to the president of city council and the chair of the committee on council.
- b. Upon receipt of written notification of the vacancy, the chair of the committee on council shall establish a deadline for the submission of interested councilmembers' nominations for said vacancy and notify all members of council of said deadline and vacancy or vacancies.
- c. An individual councilmember may nominate himself, herself, or another councilmember as a nominee for the vacancy by submitting a letter to the committee on council, by the established deadline, confirming the councilmembers' willingness and availability to serve, as well as any other pertinent information. Such information shall be forwarded to all members of the council for the vote.

# (2) Voting procedures.

- I. One vacancy.
- a. When only one vacancy exists and the name of only one councilmember has been placed in nomination, the councilmember shall be submitted for appointment to the vacancy.
- b. A resolution to this effect shall confirm the nominee as the appointee.
- II. One vacancy, multiple nominees.
- a. If there is more than one nomination for such vacancy, the municipal clerk shall issue, to the councilmembers, a paper ballot on which all nominees' names are printed.
- b. Councilmembers shall circle the names of the nominees of their choice, sign the ballots and return it to the municipal clerk. Such ballots shall become a part of the official record.
- c. The municipal clerk shall then tally, or cause the ballots to be tallied, and announce the results. The councilmember receiving the highest number of votes shall be submitted for appointment to the vacancy.
- d. A resolution to this effect shall confirm the nominee as the appointee.

## III. Multiple vacancies.

- a. When more than one vacancy exists, the municipal clerk shall issue, to all councilmembers, one ballot for each existing vacancy.
- b. Councilmembers shall circle the names of their choices on each ballot (one per ballot), sign the ballots and return them to the municipal clerk. Such ballots shall become a part of the official record.
- c. The clerk shall tabulate, or cause the ballots to be tabulated, and announce the results. The councilmember receiving the highest number of votes shall be submitted for appointment to the vacancy.
- d. A resolution to this effect shall confirm the nominee as the appointee.
- B. Upon it becoming necessary to appoint, by majority vote, a member of the public to fill a vacancy on any board, commission, or authority, for which the governing body has exclusive authority of appointment, the following procedures shall be used:

### (1) Nomination.

- a. Written notification of the vacancy shall be submitted to the president of city council and the chair of the committee on council.
- b. The chair of the committee on council shall notify all members of council of said vacancy or vacancies, as well as, establish a deadline by which members of council must submit the names of qualified nominees.
- c. Upon notification, if they are so inclined, members of council and the president of council, may submit the names of qualified persons to fill the vacancy to the chair of the committee on council. Submission of the names of qualified individuals must be in written form and must be received by the established deadline.

- d. Upon such submission, the committee on council shall review, comment, and report on the qualifications of such nominee or nominees. Any nominee not possessing the legally required qualifications, as determined by the committee on council, will be automatically disqualified.
- e. Upon completion of its report on the qualifications of such nominee or nominees, the committee on council shall submit a ballot of names of all qualifying nominees to the full council, with no further nominations being allowed from the floor.

# (2) Forming a consensus.

- I. One vacancy, one qualified nominee.
- a. When only one vacancy exists and the name of only one qualified individual has been placed in nomination, the nominee shall be submitted for appointment to the vacancy.
- b. A resolution to this effect shall be drafted and submitted to the committee of purview and the committee on council.
- II. One vacancy, multiple qualified nominees.
- a. If there is more than one nomination for only one vacancy, the municipal clerk shall issue to the councilmembers a paper ballot on which all nominees' names are printed.
- b. Each councilmember shall circle the name of the nominee of his/her choice, sign the ballot, and return it to the municipal clerk.
- c. The municipal clerk shall then tally, or cause the ballots to be tallied, and announce the results. Such ballots shall become a part of the official record.
- d. The nominee receiving a majority vote shall be submitted for appointment to the vacancy.
- e. A resolution to this effect shall be drafted and submitted to the committee of purview and the committee on council.
- III. One vacancy, tie amongst multiple qualified individuals.
- a. In the event that one person does not receive a majority vote or there is a tie amongst two (2) or more nominees who receive the highest identical number of votes, then a second ballot shall be issued. This ballot process shall be continued until such time as one person receives a majority vote or an unbreakable tie occurs.
- b. The subsequent ballots shall be comprised of the two or more highest vote recipients.
- c. The nominee receiving a majority vote shall be submitted for appointment to the vacancy.
- d. A resolution to this effect shall be drafted and submitted to the committee of purview and the committee on council.

### IV. Unbreakable tie.

a. Should there be a second tie amongst those nominees receiving the highest identical number of votes, a resolution, saving a blank for the insertion of the name of a single nominee, along with an attachment, which includes the names and resume/qualifications of only those individuals involved in the unbreakable tie, shall be submitted to the committee of purview.

- b. Upon receipt of said resolution, the committee of purview shall hear from the individuals and make a recommendation as to a single appointee, as evidenced by the insertion of the individual's name into the resolution.
- c. The committee of purview shall forward the resolution to full council for an official vote.
- d. In the event that the official vote results in a tie, it shall be resolved upon the vote of the president of council, as outlined in Section 2-36 (d) of the Code of Ordinances.

# (3) Multiple vacancies.

- a. When more than one vacancy exists, the municipal clerk shall issue, to all councilmembers, one ballot for each existing vacancy.
- b. Councilmembers shall circle the names of their choices on each ballot (one per ballot), sign the ballots, and return them to the municipal clerk.
- c. The clerk shall tabulate, or cause the ballots to be tabulated, and announce the vote. Such ballots shall become a part of the official record.
- d. The two (2) nominees receiving the highest number of votes shall be submitted for appointment to the vacancies.
- e. Resolution to this effect shall be drafted and submitted to the committee of purview and the committee on council.

### REGULAR SESSION

MULTIPLE 06-0-1595 06-0-1596 06-0-1597 06-0-1598 FIRST READS REFER

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith Y Archibong Y Moore Y Mitchell Y Hall Y Fauver Y Martin Y Norwood Y Young Y Shook Y Maddox Y Willis B Winslow Y Muller Y Sheperd NV Borders

COMMITTEE OF THE WHOLE

PROCEDURAL RETURN TO REGULAR SESSION

APPROVE

YEAS: 13

NAYS: 0 ABSTENTIONS: 0 NOT VOTING: 2

EXCUSED: 0

ABSENT 1

Y Smith Y Archibong Y Moore Y Mitchell Y Hall Y Fauver Y Martin Y Norwood Y Young Y Shook NV Maddox Y Willis B Winslow Y Muller Y Sheperd NV Borders

### COMMITTEE OF THE WHOLE

MULTIPLE 06-0-1595 06-0-1596 06-0-1597 06-0-1598 FIRST READS APPROVE

> YEAS: 11 NAYS: 0 ABSTENTIONS: 0

ABSTENTIONS: 0
NOT VOTING: 4

EXCUSED: 0
ABSENT 1

Y Smith Y Archibong Y Moore Y Mitchell Y Hall NV Fauver Y Martin Y Norwood Y Young Y Shook NV Maddox Y Willis B Winslow Y Muller NV Sheperd NV Borders

RCS# 418 7/17/06 3:07 PM

# Atlanta City Council

### COMMITTEE OF THE WHOLE

COMMITTEE ON COUNCIL AGENDA AND ADDENDUM PROCEDURAL

ADOPT

YEAS: 12

NAYS: 0 ABSTENTIONS: 0

NOT VOTING: 3

EXCUSED: 0 ABSENT 1

Y Smith Y Archibong Y Moore Y Mitchell Y Hall Y Fauver NV Martin NV Norwood Y Young Y Shook Y Maddox Y Willis B Winslow Y Muller Y Sheperd NV Borders

### REGULAR SESSION

ENTER COMMITTEE OF THE WHOLE PROCEDURAL

APPROVE

YEAS: 10 NAYS: 0 ABSTENTIONS: 0 NOT VOTING: 4

EXCUSED: 0

ABSENT 2

Y Smith Y Archibong Y Moore Y Mitchell B Hall Y Fauver NV Martin NV Norwood Y Young NV Shook Y Maddox Y Willis B Winslow Y Muller Y Sheperd NV Borders

# City Council Board Vacancies

Board/Commission	Term Expiration
August Abovi (C)	3/21/2008
06-R-1588 (CPA Category – One of the three @ Large members); (Unexpired term of Henry Kelly)	
Fred Williams (C) 04-R-1273	3/21//08
Johnnie L. Clark (C) 03-R-0595	4/21/2006
W. Wayne Woody (C) 03-R-0595	4/21/2006
Atlanta Commission on Women	
	7/7/2005
Sandra El-Amin (C. Pres) 03-C-0755	5/19/2005
Teddi Vaile (C) 00-C-1458 (Dist. 1)	10/2/2002
Susana M. Chavez (C) 03-C-1342 (Dist. 2)	9/2/2005
	N/A
Charlotte Mayweather (C) (Dist. 4)	1/5/2006
VACANCY (C) (Dist. 5)	N/A
Melinda Moselev (C) 05-C-0412 (Dist. 6)	3/21/2007
Yasmin Moreno (C) 05-C-1960 (Dist. 7)	11/7/2007
Bobbi Acord (C) 05-C-1246 (Dist. 8)	8/15/2007
Zeda Sartor (C) 02-C: 1980 (Dist. 9)	11/18/2004
Diana Dowall I archa (C) 00-C-0697 (Dist 11)	6/5/2002
Olivia Parks Woods (C) (Dist. 12)	11/4/2004
Vernell Stewart Moslev (C) 03-C-0197 (Post 3)	2/17/2005
Atlanta Human Relations Commission  VACANCY (C) Michael Wright (C) (05-C-1775-resigned Spring 06)(Dist. 5, 6, 7, 8, & Post 2)	N/A
Clair Muller	12/1/2005
Atlanta commission of Aging	N/A
Many Change (C) (C) Pres )	Α̈́N
VACANCY (C) (Dist 1)	N/A
VACANCY (C) (Dist 9)	K/N
VACANCY (C) (Dist. 3)	N/A
Rev. H.A. Johnson (C) (Dist. 4)	N/A
VACANCY (C) (Dist. 5)	N/A
VACANCY (C) (Dist. 6)	N/A
VACANCY(C) (Dist. 7)	N/A
Walter Kozik (C) (Dist. 8)	ΑN
VACANCY (C) (Dist. 9)	N/A

# City Council Board Vacancies

SEP Advisory Committee Gloria Martin (C) 05-C-0770 (Dist. 9, 10, 11, 12, Post 3)	Term Expiration 4/18/2006
Tree Conservation Commission  Dan White (C) 05-C-0876 (Dist. 5, 6, 7, 8 – Post 2)	5/16/2007
Neal Creech (C) 05-C-0081 (Residential Dev.)  VACANCY (C) (Jacqueline Echols (C) 00-C-1456 (Dist. 9, 10, 11, 12 & Post 3)	2/7/2007 <b>10/2/2002</b>
VACANCY (C) (Paired Dists: 1, 2, 3, 4 & Post 1) VACANCY (C) (Besidential Builder)	N/A
VACANCY (C) (Urban Planner/Environmental Resource)	A/N
VACANCY (C) (Commercial/Industrial Developer)	N/A
Atlanta Orban Design Commission William R. Moseley Zoning Review Board	Pending Confirmation
David Payne (C) 04-C-1767 (Dist. 1, 2, Post 1)	10/18/2007
Karl Barnes (C) 94-C-2058 (Dist. 3, 4, Post 1)	11/21/1996
Martha Porter Hall (C) 01-C-0620 (Dist. 5, 6, Post 2)	5/7/2003
Linda Sessler (C) 06-C-0222 (Dist. 7, 8, Post 2)	4/17/2008
Goldie Johnson (C) 06-C-0453 (Dist. 9, 10, Post 3)	2/20/2008
	3/3/2005
Board of Zoning Adjustment	
Libba Grace (C) 05-C0318 ( <i>Chair</i> )	3/7/2008
Johnny Edwards (C) 03-C-1978 (Council President)	11/17/2005
David Dorsey (C) 05-C-0405 (Dist. 1, 2, 3, 4 & Post 1)	3/7/2008
Henry Bryant (C) 02-C-0832 (Dist. 5, 6, 7, 8, & Post 2)	5/20/2005
Dr. Naomi Ward (C) 03-C-1821 (Dist. 9, 10, 11, 12, & Post 3)	11/3/2005